

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street 11th floor
Arlington VA 22209
703-812-0400 (voice)
703-812-0486 (fax)

MITCHELL LAZARUS
703-812-0440
LAZARUS@FHHLAW.COM

July 23, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: ET Docket No. 04-37, Access Broadband over Power Line Systems
Ex parte Communication

On behalf of Current Technologies, LLC, and pursuant to Section 1.1206(b)(2) of the Commission's Rules, I am electronically filing this notice of an oral *ex parte* communication.

Yesterday Jay Birnbaum, Jim Mollenkopf, Philip Inglis, and I, for Current Technologies, met with Bruce A. Franca, Karen Rackley, Bruce A. Romano, Alan J. Scime, Alan Stillwell, and Anh Wride of the Office of Engineering and Technology.

We reviewed the substance of Current Technologies' pleadings in the docket, with emphasis on the following:

- NTIA did not find Current Technologies' equipment to be a source of harmful interference.
- NTIA's recommendations for methods to reduce interference are unnecessary and unsupported. In particular, NTIA has given no technical basis for its proposal that BPL compliance measurements be taken at a height of 1 meter and be made subject to a "height correction factor" of 5 dB.
- The BPL database should be comprehensive but not be made public. Instead, the database should be in the hands of a technically qualified third party that is trusted by both the BPL industry and the spectrum user community. The same third party should be responsible for investigating interference complaints and coordinating interference mitigation efforts.

Ms. Marlene H. Dortch
July 23, 2004
Page 2

- The Commission should deny the request of Matsushita Electric Corporation of America (Panasonic) for a rule requiring Access BPL providers to block signals from entering non-subscribing residences. Instead the Commission should refer the matter to industry standards groups.
- If the Commission ultimately rules that BPL equipment must be capable of adaptive interference mitigation techniques, it should not require the replacement of equipment installed before the requirement takes effect, if that equipment is non-interfering.

If there are any questions about this filing, please call me at the number above.

Respectfully submitted,

Mitchell Lazarus
Counsel for Current Technologies, LLC

cc: Meeting participants